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2
3 UNITED STATES DISTRICT COURT

4 EASTERN DISTRICT OF WASHINGTON

5
6 TAMALA ANDERSON,

No. 12-cv-58-JPH

7 Plaintiff,

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

8 vs.

9 CAROLYN W. COLVIN, Acting
10 Commissioner of Social Security,

11 Defendant.

12 BEFORE THE COURT are cross-motions for summary judgment, ECF

13 Nos. 14 and 16. The parties consented to proceed before a magistrate judge. ECF
14 No. 4. The Court considered oral argument on the date signed below. For the
15 reasons stated by the Court on the record, the Court finds the ALJ's decision is not
16 supported by substantial evidence and free of harmful legal error. Accordingly,

17 **IT IS HEREBY ORDERED:**

18 1. Plaintiff's motion for summary judgment, ECF No. 14, is **GRANTED**.

19 The matter is remanded to the Commissioner for additional proceedings pursuant
to sentence four of 42 U.S.C. § 405(g). On remand the ALJ should seek
clarification from Dr. Pollack about his reasons, if any, supporting his
determination that the plaintiff had marked limitations as set forth in the Mental

Medical Source Statement. Additionally the ALJ should first clarify whether the inflammatory arthritis finding meets the definition of a Listed Impairment at 14.09 and, if she finds it does not, determine whether there is a combination of conditions, i.e., inflammatory arthritis and depression, that would render plaintiff disabled after giving appropriate weight to the opinions of Dr. Eric Mueller, M.D., and Dr. Pollack.

2. Defendant's motion for summary judgment, ECF No. 16, is DENIED.

3. Judgment shall be entered in Plaintiff's favor.

4. This file shall be **CLOSED**, although an application for attorney fees may be filed by separate motion.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to the parties.

DATED this 22nd day of August, 2013.

S/ James P. Hutton

JAMES P. HUTTON

UNITED STATES MAGISTRATE JUDGE